

Region 1

Hot Issues

National Ambient Air Quality Standards - Failure to Submit

- EPA is under a consent decree deadline of December 17 to make a finding of failure to submit for several states, including Massachusetts and Rhode Island, for failing to make a submission to EPA addressing the interstate transport requirements of the Clean Air Act for the 2012 fine particle (PM_{2.5}) National Ambient Air Quality Standards (NAAQS).
- Rhode Island submitted their SIP on December 6, but Massachusetts is not expected to have their complete SIP submittal by the December 17 deadline. Region 1, in close coordination with OAR, has prepared a *Federal Register* notice for signature for Massachusetts.
- This notice will start a 2-year deadline for EPA to issue a Federal Implementation Plan (FIP). It is expected that we will receive and approve a SIP from Massachusetts before this 2-year deadline, avoiding our obligation to issue a FIP.

Ricin Incident, Shelburne, VT

- On November 28th a report of a toxic powder substance, later confirmed as ricin, was found in a retirement community apartment in Shelburne, VT.
- The incident triggered a response by a variety of state and local agencies as well as the FBI.
- Vermont Department of Public Health (VTDOH) is seeking information on characterization sampling and decontamination options for the apartment and has requested EPA assistance.
- Region 1 continues to support VTDOH and is working in coordination with OEM's Consequence Management Advisory Division.

Upcoming Public Events

RCRA Compliance

- On December 7th, Region 1 and New England States met (in partnership with the Northeast Waste Management Officials Association) on improving compliance at RCRA Treatment, Storage and Disposal Facilities.

Emergency Planning and Community Right-to-Know

- On December 11-19th, Region 1 will be conducting seven Emergency Planning and Community Right-to-Know workshops in New England to provide local responders and other community members the opportunity to learn about EPCRA reporting obligations and help to ensure that communities are protected from exposure to hazardous materials.

Septic Sensor Challenge – Webinar December 18th

- In January, 2017, EPA launched a Design Challenge to encourage the development of an Advanced Septic System Nitrogen Sensor to improve the performance and accelerate acceptance of innovative and advanced septic systems that reduce nitrogen loading to ground and surface waters.
- Phase II of the Challenge will launch on December 18, 2017, with an informational webinar designed to ensure that sensor developers fully understand the prototype testing performance goals, logistical requirements, and test conditions.

Federal Green Challenge

- On December 13th, Region 1 will be hosting a Federal Green Challenge national webinar on recycling.



Soak Up the Rain

- On December 14th, Region 1 will be hosting a Soak Up the Rain New England webinar: Engaging Urban Residents: Innovative Approaches to Promoting Community-Based Stormwater Management.

Upcoming Major Decisions

None.

Highlights from last week

New Bedford Harbor Superfund Site – Completed Remediation and Restoration

- On November 28th, Region 1 completed the cleanup and restoration of the Pierce Mill Cove Shoreline, part of a massive cleanup underway at the New Bedford Harbor Superfund Site funded by a \$366.25M settlement.
- This is the 2nd shoreline cleanup that is part of a collaborative effort with the City to construct a 2+ mile “Riverwalk” urban green space using 800 feet of an EPA constructed haul road.
- The cleanup involved the excavation of 13,500 cubic yards of contaminated soils and sediments, disposal at an off-site TSCA landfill, and restoration by planting thousands of saltmarsh plants, trees and shrubs.

Connecticut Oil Recycling Services, LLC TSCA PCB Settlement

- On November 22nd Region 1 filed a Consent Agreement and Final Order resolving civil administrative penalty claims arising from an alleged violation of the TSCA and underlying federal regulations regarding PCBs.

Region 2

Region 2 Weekly Report to the Administrator December 7, 2017

Hot Issues:

Emergency Response in Puerto Rico and U.S. Virgin Islands: Large scale power outages remain a major obstacle to improvements in other areas, including proper management of wastewater and providing drinking water to residents. The PR electric utility estimates about 2/3 of its generating capacity is operational; entire municipalities are still without power. In the USVI, fewer than half the residents have utility power. Use of generators is widespread, but there are frequent failures because the units are not suited to such extended operation. Nevertheless, EPA is making good progress on our mission assignments and has been able to help guide efforts of both Army Corps and FEMA to provide support for both drinking water and storm water system repairs in Puerto Rico. To date we have collected some 43,000 household hazardous waste and orphan containers, e-waste items and white goods (for extraction of refrigerant); and we are managing large quantities of medical waste in the USVI. The US Coast Guard has also started removing sunken and stranded vessels, and EPA is managing the oil and hazardous materials from those boats. EPA remains on standby to provide air monitoring in the event that either PR or the USVI authorize the Army Corps of Engineers to carry out air curtain incineration of vegetative debris. Particularly in the USVI the question of whether or not to do such burning has become a matter of considerable public controversy. Here, EPA has provided leadership in promoting federal agency cooperation in support of local decision making. The FEMA Administrator recently visited the USVI; he was complimentary of EPA's work in the islands.

Disaster Recovery: Region 2 Administrator Pete Lopez will continue to actively participate in the Recovery Support Function Leadership Group (RSFLG) Undersecretaries meetings every Tuesday in Washington, DC. Pete is seeking to secure recommendations from HQ and the other regions to report back to the RSFLG. On a parallel note, Region 2 staff are participating, in person or via conference call, in the various Recovery Support Function (RSF) workgroup meetings to develop comprehensive Mission Scoping Assessments and Recovery Support Strategies for Puerto Rico and the Virgin Islands as outlined in the National Disaster Recover Framework. These documents will provide the roadmap to streamline and safeguard federal investments through-out the recovery process.

Hudson River PCB site: Region 2 will coordinate closely with HQ OLEM, OPA and others as we draw closer to a final Hudson River Five-Year Review and also as we continue to consider a certification of completion for the work required of GE under a 2006 Consent Decree. The region expects that these processes will continue into the new year in order to allow for full engagement by Regional Administrator Lopez and to allow consideration of the more than 1,000 comments received on the proposed five-year review and recent detailed comments from federal and state trustees on the certification of completion.

DRBC Hydraulic Fracturing Draft Regulations: The Delaware River Basin Commission published revised draft regulations addressing hydraulic fracturing within the Delaware River Basin on November 30, 2017 (http://www.nj.gov/drbc/meetings/proposed/notice_hydraulic-fracturing.html). The Administrator's office has decided to submit comments to DRBC on these draft regulations. A conference call is scheduled for December 11 to establish EPA's internal review mechanics for the proposed rules. The call will include unconventional oil and gas program leads from Region 2 and 3 and HQ offices (OECA, OGC, OLEM, ORD, OW, OPA).

Extensions for Final 3rd Round SO₂ Designation: In response to direction from the Office of Air Quality Planning and Standards (OAQPS) regarding areas where it is appropriate for EPA to seek additional time or extend the effective date of attainment/ non-attainment designations beyond the current consent decree deadline of December 31, 2017, Region 2 identified three areas where an extension is appropriate. One area is

Monroe County, NY, which we expect to designate Attainment/Unclassifiable for final SO₂ designations based on new permit levels for the RED (Kodak) facility that will be effective in March 2018. There are also two non-attainment areas in Puerto Rico for which additional time is needed, following Hurricanes Irma and Maria, to allow the PR Environmental Quality Board (PREQB) to complete its State Implementation Plans (SIPs). Region 2 understands that OGC/DOJ will request consent decree extensions (e.g., 6-12 months) for the two Puerto Rico nonattainment areas to delay the start of the 18-month time clock for PREQB to submit its SIPs.

Past Week:

Long Island Sound Futures Fund Event: On December 4, Region 2 RA Pete Lopez joined Rep. Zeldin (NY-1) and Carrie Meek Gallagher, Region 1 Director, NYSDEC, at an event in Old Field, NY to announce the New York Futures Fund awardees. Media coverage included: [Newsday](#), [Patch](#), [Westfair](#), [WSHU public radio](#).

Caño Martín Peña/ San José Lagoon Dredging: On Thursday, November 30, 2017, Regional Administrator Pete Lopez joined the Puerto Rico citizen organization ENLACE at a meeting at the Pentagon with officials at the U.S. Army Corps of Engineers regarding the Corps' plans for dredging the Cano Martin Pena in San Juan, Puerto Rico.

Litigation against EPA by Puerto Rico contractor for failure to make Clean Water Act State Revolving Fund (SRF) payments: On December 4, 2017, in the matter of *Longo En-Tech Puerto Rico v. EPA*, Judge Dominguez of the U.S. District Court for the District of Puerto Rico granted the motion by the plaintiff ("Longo") for a dismissal without prejudice of all the Puerto Rico government defendants in this case. However, Longo's litigation against EPA continues. Longo filed the lawsuit in 2016 because it had not been paid approximately \$5 million under a contract that it had with Puerto Rico's water utility (PRASA) for an infrastructure revitalization project that was to be funded with funds from Puerto Rico's Clean Water Act State Revolving Fund (CWA-SRF). PRASA had cited lack of SRF funds from EPA as one of its reasons for delaying payments to Longo. Longo asserted various legal theories against EPA, including that: (i) EPA violated the Operating Agreement of the Puerto Rico CWA-SRF program by withholding funds from the Commonwealth; and (ii) EPA committed a "taking" of Longo's property by withholding the monies with which PRASA could pay Longo for its work on the project. EPA suspended further CWA-SRF payments to the Commonwealth in 2016 after the Puerto Rico government lost the balance of its CWA-SRF revolving fund in the fiscal collapse of its Government Development Bank, and PRASA stopped repaying its existing SRF debt to the revolving funds and requested long-term restructuring of that debt. The Office of Water and Region 2 continue to work with the Puerto Rico government and PRASA to restructure the CWA-SRF program in Puerto Rico.

Upcoming:

Limetree Bay Terminal, St. Croix, U.S. Virgin Islands: Region 2 is working with OAR and OECA to develop an agency response to inquiries by Limetree Bay Terminal regarding air and water permits and approvals that would be needed to allow a partial restart of oil refinery operations at its facility on the island of St. Croix in the U.S. Virgin Islands.

2015 Ozone Standard Attainment and Non-Attainment Designations in Region 2: Consistent with direction from the Office of Air, the Regional Administrator plans to send notification letters to the Governors of New York and New Jersey by December 15, 2017 of EPA's intended Non-Attainment designations for the 2015 ozone standard for the 9-county New York City Metropolitan Area and all counties in the State of New Jersey.

Region 3

Upcoming Public Events

RA Servidio Meeting with Philadelphia Chamber of Commerce

RA Servidio was invited to speak with the members of the Philadelphia Chamber of Commerce on Tuesday, December 12, 2017. Approximately 25 to 30 members are expected to attend. Some topics of discussion will include the Clean Power Plan and the Renewable Fuel Standard. This meeting is closed to press.

RA Servidio to Meet with Members of Congress and Senate

On Wednesday, December 13, 2017 RA Servidio will be in the Washington D.C. meeting with Congressman Don Beyer (VA), Congressman Andy Harris (MD), Senator Ben Cardin (MD), and Senator Tom Carper (DE).

Past Events

RA Servidio Met with WV Chamber of Commerce

RA Servidio spoke at the WV Chamber of Commerce 2017 Board Meeting and Leaders' Retreat. Approximately 125 members participated. This provided the Regional Administrator with the opportunity to discuss the Administrator's priorities, with an emphasis on cooperative federalism and the latest economic energy development with China. This meeting was closed to the press.

RA Servidio Welcomed Everyone to Brownfields National Conference in Pittsburgh, Pennsylvania

Region 3 hosted the Brownfields National Conference, in Pittsburgh from December 5-7, 2017. The conference welcomed approximately 2,500 registrants from community groups, academia, state and local governments, private sector, and other interested parties. Registrants were comprised of every U.S. state and eight countries. Regional Administrator Cosmo Servidio opened up the conference, provided opening remarks at the Environmental Justice Caucus, and also joined the Mayors at the Mayoral Roundtable.

Region 4

Hot Issues

B.F. Goodrich (Calvert City, Kentucky)

Key Message: Region 4 has received formal requests from the three Potentially Responsible Parties (PRPs), Westlake Vinyl, PolyOne, and Goodrich Corporation, to extend the public comment period. A meeting with the PRPs is tentatively scheduled for Tuesday, December 12, 2017.

Highlights from Last Week

Oakridge Reservation Formal Dispute

Key Message: Regional Administrator Trey Glenn, along with the Tennessee Department of Environmental Conservation Commissioner and the Oakridge Reservation Department of Energy (DOE) Environmental Manager, formally signed the Dispute Resolution Agreement for Oakridge Reservation federal facility. Region 4 anticipates DOE will prepare to initiate data collection under the Remedial Investigation/Feasibility Study.

Upcoming Travel for the RA

None

Region 5

HOT ISSUES:

EPA Requests Michigan and Flint to Expedite the Use of Federal WIIN Funds

Key Message: On December 7, 2017, Region 5 sent a letter to the city of Flint and Michigan Department of Environmental Quality (MDEQ) regarding the city of Flint's expenditures of the \$100 million that EPA conditionally awarded MDEQ on March 17, 2017, under the Water Infrastructure Improvements for the Nation Act (WIIN).

As of mid-November, it appears that only **\$192,972** in federal WIIN funds (and roughly \$11 million in state funds) have been paid out for projects thus far. Based on these expenditures of the federal WIIN funds to date, EPA requests that MDEQ and the city make efforts to expedite the planning and implementation of critically needed infrastructure improvement projects.

In addition to the \$100 million of federal WIIN funding, the state contributed a \$20 million state match. The conditional award approved \$51.5 million for three projects: lead service line replacement (\$40 million), water main replacement (\$10 million), and a corrosion control study and asset management plan (\$1.5 million). While the lead service line replacement project, and the corrosion control study and asset management plan are proceeding, the water main project has not begun. Also, plans for the remaining \$68.5 million have not been finalized.

EPA Sends Wolverine World Wide Information Request Regarding Releases and Dumping of Contaminated Material

Key Message: On December 1, 2017, EPA mailed a CERCLA 104(e) information request to Wolverine World Wide (WWW), requesting information on their production processes and waste at its Rockford, Michigan shoe factory, former tannery, and off-site disposal locations.

This is the second 104(e) information request the region has sent to WWW. The prior information request, sent in 2012, was to support a preliminary assessment of WWW's former tannery operations. At that time, EPA was not sampling for PFAS, and the 2012 information request did not include questions pertaining to PFAS compounds.

The Michigan Department of Environmental Quality (MDEQ) is overseeing WWW's voluntary response efforts to clean up WWW's House Street site and to mitigate human exposure to environmental releases of PFAS in areas around former WWW disposal sites. These voluntary response actions include providing neighboring residents with water filters and/or bottled water.

Region 5 worked with MDEQ in developing the information request and on a coordinated desk statement. EPA set a deadline of 20 days from receipt for a response.

County Road 595 Oral Arguments Held Before U.S. Court of Appeals

Key Message: On December 6, 2017, oral arguments were held before a three-judge panel of the 6th Circuit U.S. Court of Appeals in Cincinnati in the matter of *Marquette County Road Commission v U.S. EPA*.

The primary issue in the appeal is whether EPA's objection to a Clean Water Act Section 404 wetlands dredge and fill permit proposed by the Michigan Department of Environmental Quality constitutes final agency action subject to judicial review under the Administrative Procedure Act. In 2011, the Road Commission applied to MDEQ for a wetlands fill permit in order to construct a 22-mile ore haul road (County Road 595) in the Upper Peninsula of Michigan. In its oversight capacity, EPA objected to the proposed permit on grounds that it did not comply with the CWA and its implementing regulations [the Section 404 (b)(1) Guidelines].

After MDEQ was unable to resolve the objection within the statutory timeframe, permitting authority passed by operation of law to the U.S. Army Corps of Engineers. Rather than pursuing the permit application with the Corps, some two and a half years later the Road Commission filed suit in federal district court against EPA and the Corps, alleging that EPA's objection constituted a "veto" of the permit that was immediately reviewable in federal court and that the Corps should have processed the permit application even though the Road Commission never asked it to do so. The district court granted the government's motion to dismiss and denied the Road Commission's motion for reconsideration, ruling that EPA's objection was merely an intermediate step in the permitting process, rather than a final decision on the permit application, and that the Corps had no duty to act on the permit application without some request by the Road Commission. The Court of Appeals has taken the matter under advisement.

EPA to Seek Public Comment on Explanation of Significant Differences for USS Lead Superfund Site in East Chicago, Indiana

Key Message: The document explains an increase in the cost estimate for residential soil cleanup in Zones 2 and 3 of the site, and will be released for a 60-day public comment period December 18, 2017.

Since fall 2016, potentially responsible parties (PRPs) have been working cooperatively with EPA under a 2014 Consent Decree (CD) and 2016 Administrative Settlement Agreement on Consent (ASAOC) to conduct residential soil cleanups in Zones 2 and 3 of the residential area of the USS Lead site. The 2012 Record of Decision (ROD) estimated that the cleanups would cost \$22.8 million, however, projected total cleanup costs for Zones 2 and 3 have risen to more than \$80 million based on actual cleanup conducted to date.

The large cost increase is due to several factors, including a projected 70 percent increase in the volume of soil, higher prevailing wages for laborers, and a substantial increase in the level-of-effort necessary to both conduct (more hand-digging versus mechanical) and oversee the work. Notwithstanding the projected cost increase, the remedy selected in the 2012 ROD - excavation of contaminated soil and off-site disposal - is the correct remedy for Zones 2 and 3. This remedy would have been selected if the projected costs in 2012 had been the current estimate. The Explanation of Significant Difference (ESD) does not propose any changes to the remedy itself, it only explains the differences in the costs between the ROD estimate and the ESD estimate. The Indiana Department of Environmental Management has concurred with the ESD. The draft ESD will be made available to the public no later than December 11, 2017, and public comments will be accepted on it for 60 days starting December 18, 2017

In December 2017, EPA plans to issue two Unilateral Orders on Consent to site PRPs, the first will order the PRPs to complete the soil cleanups in Zone 2 beginning in 2018 and the second will order them to conduct indoor dust sampling and cleanups, if indicated, at both Zone 2 and Zone 3 remediated properties. EPA also

plans to complete the final 100-120 residential cleanups in Zone 3 during 2018. DOJ recommends that EPA issue the ESD to document the projected cost increases in order to mitigate the risk of a reimbursement claim under CERCLA 106(b) by the PRPs being ordered to complete the work in Zones 2 and 3.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS:

NONE

PAST WEEK ACCOMPLISHMENTS/HIGHLIGHTS:

Acting Regional Administrator Participated in McCook Reservoir Ribbon Cutting

Key Message: On December 4, 2017, Acting RA Bob Kaplan gave remarks at the Metropolitan Water Reclamation District of Greater Chicago's (MWRD) celebration of the completion of Phase I of the McCook Reservoir.

Senator Dick Durbin, Congressman Mike Quigley and Dan Lipinski, Illinois EPA Commissioner Alec Messina, U.S. Army Corps of Engineers Chicago District Colonel Aaron Reisinger, and representatives from the Metropolitan Water Reclamation District also spoke at the event. Press coverage can be viewed [here](#).

The McCook Reservoir is part of MWRD's Tunnel and Reservoir Plan (TARP). TARP was started by MWRD more than 40 years ago to help control the hundreds of combined sewer overflows (CSOs) running into Lake Michigan and Chicago area waterways every year. In 2011, a Consent Decree between MWRD, the state of Illinois, and the United States was reached to accelerate the pace of TARP. As required by the Consent Decree, the completion of Phase I of the McCook Reservoir will provide storage capacity for 3.5 billion gallons of wastewater that would be otherwise discharged as CSOs. By the completion of Phase II in 2029, the storage capacity of the reservoir will increase to 10 billion gallons. This project will significantly decrease the amount of pollutants entering the nearby waters.

Region 5 Continues to Support Region 2 In Hurricane Response

Key Message: Region 5 continues to support Region 2 with response and recovery efforts associated with Hurricanes Irma's and Maria's impacts to Puerto Rico and the U.S. Virgin Islands.

Currently, Region 5 has 25 personnel deployed. Additionally, 43 personnel have returned from deployments and another 42 are scheduled to deploy over the next several weeks.

The region's on-scene coordinators, remedial project managers, community involvement coordinators, response support corps (RSC) members, and incident management team (IMT) members continue to step up to the plate. Region 5 personnel are being deployed for sixteen day rotations in Puerto Rico, St. Thomas, St. Croix, Edison, New Jersey, and Washington DC and are working on incident planning/staffing, household hazardous material collection/disposal, community involvement/engagement activities, and logistics support.

Additionally, the Region 5 Emergency Operations Center (EOC) is activated to work with Region 2 on staffing critical needs in all locations. The region's EOC also assists personnel with logistical needs, assists the health and safety group to ensure all deployed personnel are up to date on required safety training and vaccinations, and coordinates closely with the region's RSC program, which has provided initial training to over 50 new RSC members in the past three months. Daily EOC operations require three or four staff members and current EOC staff are training additional RSC members on EOC functions given the extended nature of this deployment assistance.

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

December 7, 2017

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Georgia-Pacific, Crossett, Arkansas

On December 14, 2017, EPA is attending a public meeting in Crossett, Arkansas where they will present the results of their 6-month hydrogen sulfide community monitoring study. The six-month monitoring study evaluated hydrogen sulfide emissions from the Georgia-Pacific paper mill's wastewater treatment system. The Arkansas Department of Environmental Quality (ADEQ) is hosting the meeting to request comments on several state air and wastewater permitting actions at the facility and invited the Region to attend and present our study findings. Georgia-Pacific will also attend to present their wastewater treatment improvement projects and ongoing monitoring. The Arkansas Department of Health also plans to attend. We expect that a reporter with the Arkansas Democrat Gazette will attend the meeting, as will the Concerned Citizens for Crossett Environmental Justice group.

Anadarko Petroleum Company, Port Fourchon, Louisiana

On December 6, 2017, EPA filed a Consent Agreement and Final Order (CAFO) with Anadarko Petroleum for facilities located in Galveston Texas, Port Fourchon, Louisiana, and Federal waters located in the Gulf of Mexico. The CAFO addresses violations of RCRA hazardous waste management requirements including requirements to provide employee training, first responder notification and failure to comply with applicable notification, reporting and waste management requirements. Data from Texas and Louisiana treatment, storage and disposal facilities showed that the facilities were shipping large quantities of hazardous waste, however, the facilities had not notified the states or EPA as large quantity generators. The States of Texas and Louisiana are aware of the Region's data mining effort and participated in training on the data mining method. The Region notified the States of the potential violations and our intention to investigate and pursue enforcement before notifying the company. The CAFO requires Anadarko Petroleum to certify and document compliance with all applicable RCRA requirements, and to pay civil penalty of \$1,383,174.

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Lindon Manufacturing and Laboratory, Houston, Texas

On December 4, 2017, EPA formally notified Lindon Manufacturing by letter of the potential imminent and substantial endangerment (ISE) resulting from the improper and illegal storage of hazardous waste. The letter references information contained in Lindon's response to a RCRA information request and findings contained in EPA inspection reports previously provided to the company. The December 4 letter requests Lindon to address the incompatible wastes creating the potential ISE within 5 days and report all corrective measures taken within 15 days of receipt. Meanwhile the Region is contemplating the appropriate formal enforcement response including the issuance of a RCRA 7003 unilateral administrative order.

Bird Creek, Osage County, Oklahoma

EPA continues to work on the response to comments from the public comment period and the hearing held on October 11, 2017 related to Proposed Administrative Orders (SDWA) sent to Warren American Oil Company,

Jireh Resources LLC, and Novy Oil and Gas, Inc. All three respondents believe the contamination is a one-time occurrence and dispute EPA's contention that the Mississippi Chat is over-pressurized. EPA is collecting additional in-stream monitoring data the week of December 4th.

City of Santa Fe, New Mexico

EPA intends to conduct an unannounced inspection at the City of Santa Fe's Wastewater Treatment Plant. The inspection's focus is to evaluate the wastewater utility's capacity, management, operations, and maintenance to compliance with the City's NPDES permit. The City of Santa Fe has continuing permit noncompliance issues. NMED will participate in this inspection with EPA.

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Walker Wood Treating Assessment, Living, Texas

EPA intends to conduct an assessment at the former wood treater. As part of the assessment teams will sample and gauge the volumes in each of the 15 site vessels. The samples will be sent to EPA's Houston Lab to identify the waste streams.

Gallup's Wastewater Treatment Plant (WWTP), Gallup, New Mexico

EPA intends to conduct an inspection at the City of Gallup's WWTP. The inspection's focus is to evaluate the wastewater utility's capacity, management, operations, and maintenance to compliance with the City's NPDES permit. The City of Gallup has consistently had issues with deficient reporting, received previous Administrative Orders, and a Letter of Violation/EPA Warning. NMED will not participate in this inspection with EPA.

Inspections, Dardanelle, Arkansas

EPA intends to conduct an inspection of non-permitted Animal feeding operations facilities in the Dardanelle, AR area. These facilities were selected based upon a Water Quality Index (WQI) report given to Region 6 from HQ. Inspections will evaluate facility compliance with requirements of the Clean Water Act and their Nutrient Management Plan. The ADEQ inspectors have been invited to attend the inspection.

Nambe Pueblo Uranium violation, Nambe, New Mexico

EPA's intends to issue a notice of violation and an Administrative Order to address a uranium MCL violation. Nambe Pueblo's quarterly uranium sample, taken on 9/28/17, brought the system's Running Annual Average (RAA) to 35.5 µg/L for the last four quarters. The RAA Maximum Contaminant Level (MCL) for uranium is 30 µg/L. The main health impacts of uranium are on the kidneys and reproductive system. While the Nambe Pueblo water system has treatment for arsenic, the treatment has not historically been completely effective at removing uranium.

Final EPA-Issued NPDES Permits, Texas

EPA intends to issue the following *final* NPDES permits:

TX0134058 -Natural Gas Pipeline Company (no comments on draft)

TX0134047 - Valley Crossing Pipeline (no comments on draft)

TX0134002 - Corpus Christi Liquefaction

Draft EPA-Issued NPDES Permit Proposals, Texas and New Mexico

EPA intends to *propose* the following NPDES permits:

NM0028436 - Pojoaque Terrace Mobile Home Park

NM0029629 - Anthony Water & Sanitation District

NM0023477 - Village of Fort Sumner (expired, late reapplication)

TX0134022 - C F KORUS (Produced Water Discharge)

Section 308 Information Requests, Texas, Louisiana and New Mexico

EPA intends to issue information requests for oil discharges to the following:

White Oak Operating Co, LLC, LaFource Parish, Louisiana

Texegy Operating Co., LLC, Beauregard Parish, Louisiana

Harvest Pipeline, Plaquemines Parish, Louisiana

East Texas Salt Water Disposal, Gregg County, Texas

2 Bayous, Inc., Acadia Parish, Louisiana

Magna Operating, Calcasieu Parish, Louisiana

GNC Petroleum, Inc., Payne County, Oklahoma

Mesa Gulf Coast, LaFourche Parish, Louisiana

Chevron, Van Zandt County, Texas

Oil & Gas Corp., Carter County, Oklahoma

Chapparral Energy, Osage County, Oklahoma

Targa Pipeline, Carter County, Oklahoma

Harvest Pipeline, Refugio County, Texas

Cimarex, Blaine County, Oklahoma

NEPA

Midcontinent Supply Header Interstate Pipeline Project, Bennington, Oklahoma

On December 15, 2017, EPA intends to issue comments relating potential wetland impacts to the Federal Energy Regulatory Commission (FERC) on the Administrative Draft Environmental Impact Statement (ADEIS) documents for the Midcontinent Supply Header Interstate Pipeline (MIDSHIP) Project. The proposed project will provide an additional 1,440 million standard cubic feet per day (MMcf/d) of year-round firm transportation capacity from the South Central Oklahoma to existing natural gas pipelines near Bennington, Oklahoma for transport to growing Gulf Coast and Southeast markets.

UPCOMING PUBLIC EVENTS

December 11 – TCEQ meeting with environmental organizations on Hurricane Harvey response, Austin, Texas. EPA invited to participate.

December 14 – Georgia Pacific Public meeting hosted by Arkansas DEQ, Crossett, Arkansas.

December 15 – New Mexico State Bar/Natural Resources, Energy, and Environmental Law (NREEL) CLE Program, Albuquerque, New Mexico.

UPCOMING DECISIONS

TX Scrap Tire Program, Texas

EPA will provide clarification to the Texas Commission on Environmental Quality (TCEQ) on the Non-hazardous Secondary Materials (NHSM) Rule and the Texas Scrap Tire Program. TCEQ has asked whether scrap tires that were previously under the oversight of an Established Tire Collection Program per the NHSM standards, but are now under the control of a separate state program authority due to bankruptcy or other factors relative to the receiving tire collection facility, are considered to be solid wastes or non-wastes. The letter will advise TCEQ that EPA has determined that the scrap tires described above fall within an Established Tire Collection program and are not solid wastes. That determination is based on information indicating that at no point are the tires outside the purview of either the Texas scrap tire program or the subsequent state program authority, and the tires are managed as a valuable commodity.

TCEQ Exceptional Events Demonstration, El Paso, Texas

EPA intends to concur on the document for the El Paso Exceptional Event demonstration presented by the Texas Commission on Environmental Quality (TCEQ). TCEQ has asked to except the air quality 8-hour ozone concentration value of 77 parts per billion and flag the hours of 1100-1800 local standard time (LST) on June 21, 2015, at the University of Texas at El Paso (UTEP) monitor. TCEQ submitted the demonstration package on September 27, 2016, after completing a 30-day public review period. Additional information was submitted for review on January 19, 2017, January 20, 2017, and May 20, 2017. After careful consideration of the information provided, the EPA concurs, based on the weight of evidence, that the TCEQ has made such demonstration.

Title V Permit for Monarch Waste Technologies, Nambe, New Mexico

EPA intends to request a complete Part 71 permit application by June 1, 2018 in order to permit operation of the Pyromed 550 system incinerator on Pueblo of Nambe tribal lands. An operating permit is required pursuant to the New Source Performance Standards for Hospital/Medical/Infectious Waste Incineration (HMIWI) regulations. EPA's federal operating permit rules require operating permits to be submitted within 12 months after the source becomes subject to the permit program, or on or before such earlier dates as the permitting authority may require. EPA may request permit applications earlier than 12 months provided the source is notified of an earlier submittal date at least 6 months in advance of that date. Because of expected interest in this operation, we are requesting the Title V permit application by June 1, 2018.

Louisiana Regional Haze

EPA is required to take final action on all outstanding requirements for the Louisiana Regional Haze Program by December 15, 2017. EPA intends to finalize our Nelson proposal as part of the final consolidated RH action approving revisions to the Louisiana SIP submitted by LDEQ. We are also finalizing our proposed determination

that Louisiana's participation in the Cross-State Air Pollution Rule's trading program for ozone season NOx qualified as an alternative to BART.

New Mexico SIP Submittals for Infrastructure and Interstate Transport for the 2012 Fine PM NAAQs

EPA intends to approve the NM SIP demonstrating that CAA infrastructure and interstate transport requirements have been met for the 2012 PM_{2.5} NAAQS.

PAST WEEK ACCOMPLISHMENTS

Albuquerque Regional Haze, Albuquerque & Bernalillo County, New Mexico

EPA approved the Albuquerque and Bernalillo County, New Mexico Regional Haze Progress Report SIP Final Action. The report assesses progress toward a reasonable goal for mandatory Class I Federal areas in and outside the County and includes a determination of the adequacy of the County's existing regional haze SIP.

PENDING ACTIONS (Pending Federal Register Publication)

Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs for Area and Mobile Sources

9971-04-Region 6

Sent to OFR on 12/1.

Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Big River Steel, LLC, Osceola, Arkansas

9970-84-Region 6

Sent to OFR on 12/4.

Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque and Bernalillo County; Regional Haze Progress Report State Implementation Plan

9971-43-Region 6

Sent to OFR on 12/6.

Oklahoma: Final Approval of State Underground Storage Tank Program Revision

FRL 9968-28-Region 6 and 99

Region 7

Region 7 Weekly Report

December 7, 2017

Hot Issues

West Lake Landfill Site Update (Bridgeton, MO)

Key Message: Communications continue with PRPs on Final FS

- On 11/29/17, the Potentially Responsible Parties of the West Lake Superfund Site submitted the final draft of the Remedial Investigation Addendum. The document was distributed for review internally and with our partner reviewers at the State and the USACE. Conference calls to discuss comments on the document have been scheduled for next week.
- On 12/6/17, EPA received the PRPs' written response to our 11/28 letter regarding modification of the Final Feasibility Study to include on-site disposal of the excavated radiological materials. This week several calls were held between the PRPs and Region 7 regarding the need for prioritization of work on the two alternatives for which EPA does not yet have schedule or cost information- the risk based industrial use partial excavation alternative and the full excavation of RIM with on-site disposal in an engineered cell alternative.
- This week Region 7 and OSRTI also discussed options and timing for consultation with the NRRB on the pending proposed decision.

Des Moines TCE Site Update

Key Message: Dico requests extension to respond to 11/22/17, EPA letter.

- On 11/22/17, EPA sent a response letter to the Potentially Responsible Party of the Des Moines TCE Superfund Site (Dico) agreeing to delay the finalization of the Action Memo for building demolition on the site for four months. This extension was offered with the qualifiers that during the four-month period Dico will perform additional sampling within the buildings to better define demolition and disposal costs, and Dico will meet monthly with EPA, IDNR and DOJ (if appropriate) to discuss progress being made at the site.
- At the end of the four-month period, EPA will assess the progress being made and discuss next steps with Dico, as appropriate. The response letter also stated that if at any time, EPA determines Dico is not engaged in the above mentioned activities in good faith, EPA may terminate the four month delay period.
- EPA asked for a response to the letter request within 14 days (by December 6). This week Dico has asked for an extension to respond until December 12 and this extension has been approved by EPA.
- In addition, on 11/28/17 EPA sent a letter to IDNR stating that EPA approval or oversight is not required if IDNR wishes to work with Dico to demolish and dispose of the office building and production building located on the Des Moines TCE site. These two buildings were not part of the original removal and remedial actions taken by EPA at the site and do not require EPA's involvement unless the materials are going to be disposed of on-site.

Region 7 Hosts Semi-Annual Four State Environmental Director's Meeting

Key Message: The Four State Environmental Directors and staff, along with Ken Wagner and Lee Forsgren from HQ, met on December 6 and 7, 2017.

- Discussion topics included state updates, Office of Water Priorities, EPA Superfund Task Force, Cooperative Federalism, Criminal Enforcement, and Hypoxia/Harmful Algal Blooms.
- A number of state specific meetings were held between state directors and Region 7 and HQ senior leaders.

Upcoming Meetings

Meeting in Region 7 with Doe Run Company

Key Message: Region 7 is hosting a regularly scheduled meeting with Doe Run.

- On 12/12/17, the Region 7 Superfund program will be holding a regularly scheduled meeting with Doe Run at the Regional Office to discuss ongoing work at active and historic mine and processing sites in SE Missouri and the Tri-State Mining area. The Regional RCRA Office and General Counsel will also be participating.

Region 8

Hot Issues

Wetlands and OPA Enforcement Unit Files a Combined Complaint and Consent Agreement with HollyFrontier Transportation LLC. Resolving Civil Penalty Liability for a Spill in Utah.

Region 8 ECEJ is filing a Combined Complaint and Consent Agreement with HollyFrontier Transportation LLC for an oil spill that occurred on January 30, 2014, causing the release of approximately 150 barrels (6,300 gallons) of crude oil. The discharge impacted the Gray Mountain Canal, a tributary of the Green River, both of which are waters of the United States. The discharge violated section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3). The Region pursued this action because section 311 of the CWA is not delegated to the State of Utah. HollyFrontier Transportation LLC, Inc. consents and agrees to pay a civil penalty in the amount of \$26,000.00.

Underground Storage Tank (UST) Expedited Settlement Agreement (ESA) And Final Order for Shelby's Mini Mart, Docket No. RCRA-08-2018-0001

On December 4, 2017, the Regional Judicial Officer entered an ESA and Final Order for Shelby's Mini Mart located on the Crow Creek Reservation for an alleged violation of RCRA Subtitle I, Underground Storage Tanks. Pursuant to the ESA, the owner has achieved compliance by providing a record showing the CP test has been conducted.

Colorado Smelter Superfund Site Removal Action at Benedict Park

On December 12, 2017, Region 8 will begin a time-critical removal action in the former smelter area, Operable Unit 2, at the Colorado Smelter Superfund Site. This action is in response to the City of Pueblo's request to address elevated levels of arsenic and leachable cadmium found in the Benedict Park play area. The removal action will reduce the likelihood that recreational park users, primarily children and park workers, could potentially be exposed to elevated concentration of heavy metals, particularly arsenic, in subsurface soils while playing or performing routine park maintenance.

Town Hall Meeting to Discuss PFAS Groundwater Contamination

Approximately 60 people attended a town hall meeting on Monday, December 4 in Fountain, Colorado to discuss perfluoroalkyl substances (PFAS) groundwater contamination. Attendees asked questions about the status of the remediation work at Peterson AFB, health effects, including from PFAS other than PFOS and PFOA, and whether EPA intends to regulate PFOA and PFOS in drinking water. Presentations were given by the water districts, El Paso County Public Health, Colorado Department of Public Health and Environment, the El Paso County Commissioner, a State Representative, a representative from Congressman Lamborne's office, a representative from Senator Bennett's office, and EPA Region 8. CDPHE discussed the ground water standard they are proposing, which would serve as a basis for remediation efforts.

Meridian Energy Group, Proposed Davis Refinery Project in North Dakota

The public comment period has been announced for the North Dakota Department of Health's (NDDH) draft synthetic minor air permit for the proposed Davis Refinery project planned to be constructed west of Belfield, North Dakota, in Billings County near Theodore Roosevelt National Park. There is a high level of public interest in this project partly due to its close proximity to the park (approximately three miles from the eastern boundary). The refinery will have slightly under 55,000

barrel per-day processing capacity and is being designed to produce refined products including gasoline, diesel fuel, jet fuel and fuel oil, as well as liquefied petroleum gas. NDDH's public comment period will run December 8, 2017, through January 26, 2018. A public hearing is scheduled on January 17, 2018, at Dickinson State University in Dickinson, North Dakota. Region 8's Air Program, along with federal land managers, have been participating in monthly calls arranged by NDDH to coordinate on the permit development. EPA does not typically review states' "synthetic minor" source construction permits, but NDDH invited our involvement due to the public interest in this project.

RA/DRA Public / Media Engagements - None

Upcoming Major Decisions - None

Last Week Highlights

TransCanada Spill Response Update

TransCanada crews continue with excavation of the contaminated soils. Approximately, 6,000 cubic yards of material have been excavated to date. Excavated soils are placed in a holding cell where they are sampled and characterized for proper disposal. Soils will be transferred for disposal beginning Dec 6. These soils were determined to be non-hazardous based on the TCLP analysis. They will be transferred to a Clean Harbors industrial landfill in North Dakota for disposal. Air sampling for volatile organic compounds (VOCs) and benzene for worker safety continues. TransCanada is aiming to have the excavation work completed by the end of the year, pending weather and additional pipeline integrity work.

Region 9

URGENT OR IMPORTANT ITEMS:

CALIFORNIA WILDFIRES: while we are fully engaged in asbestos removal and have completed 99% of our household hazardous waste collection, we expect shortly to receive additional mission assignments from FEMA in the wake of the So. California fires. At FEMA's request, we are deploying staff to the State Ops Center (Sacramento), while So. California centers are being set up. At least 20 drinking water systems are affected thus far, of which several are under boil-water notices due to loss of power.

ANACONDA: my senior managers and I met with BP/Atlantic Richfield and NV DEP to reach a conceptual agreement on our NPL Deferral Agreement, pending our final consultation with OLEM and OECA on the specific termination provisions. Next steps are for principals to meet Dec. 19 re past costs, closing EPA's three administrative orders, NV signing an administrative order with BP/Atlantic Richfield, and finalizing MOUs with the two tribes. With NV, we are developing a communications strategy and schedule.

FEDERAL FACILITY DISPUTE: next week, I'll convene a meeting of senior US Air Force and State of California representatives to seek resolution of the DOD/State differences regarding the toxicity of PCE and the state's proposed toxicity criteria regulation.

EXTERNAL ENGAGEMENT:

CASMALIA: we held a well-attended community meeting regarding our proposed remedy for this former commercial disposal site in Santa Barbara County.

NATIONAL HOMEBUILDERS: this week, Regional senior managers and I met with representatives from the National Homebuilders Association and a local So. California builder. We discussed strategies regarding the State of California's permit and compliance activities, and set the stage for future cooperation.

PAST WEEK'S HIGHLIGHTS

SUPERFUND SETTLEMENT: the District Court entered our sixth consent decree to recover \$5.9 million in costs at the "Rockets, Fireworks and Flares Superfund Site", formerly the Goodrich site, ending years of litigation and providing funds for PRP response actions.

CAA SETTLEMENT: we signed a consent agreement and final order with Yoshimura R&D America, a manufacturer of motorcycle and RV components to address violations associated with 46,502 after-

market motorcycle exhaust systems that defeated their emission-control systems. The company will pay a \$225K penalty.

Region 10

Region 10 Weekly Report December 7, 2017

Hot Issues

Groundwater Contamination from Firefighting Training at Portland International Airport (Oregon): On November 30th, the Portland Tribune released an article about PFOS and PFOA contamination of soil and groundwater at the Portland International Airport (PDX). At this time, testing has not indicated any spread of contamination beyond a few hundred feet of the airport's fire training pits. However, due to concerns over the potential for leaching into drinking water wells east of the airport as well as into the Columbia River, the Port of Portland (which runs the airport) is continuing its investigation into the extent of contamination. The Port is also partnering with the Oregon Department of Environmental Quality for a voluntary cleanup. The state previously partnered with the Oregon Air National Guard in 2016 to address contamination from firefighter training south of the base's main airport, which is co-located with PDX.

Upcoming Public Events

Region 10 Hosts Regional Tribal Operations Committee Meeting: December 12 -14th Region 10 will host its Regional Tribal Operations Committee meeting. The RTOC is made up of representatives of regional senior management and elected tribal representatives from around the region. The group will discuss topics of mutual interest and concern.

Senior Advisor for Superfund to Visit Region 10 Sites: Albert (Kell) Kelly will visit Region 10 December 12 – 14th to attend the Regional Tribal Operations Committee meeting and to visit the region's two Superfund sites on the Administrator's Special Emphasis List – the Portland Harbor Site in Oregon and Quendall Terminals near Seattle. When in Portland, Kell will tour the site and meet with key stakeholders including congressional staff.

Puget Sound Grant Funding News Release (Washington): On December 13th Region 10's press office will issue a news release announcing \$25 million in National Estuary Program funding for Puget Sound recovery work conducted by the Puget Sound Partnership, University of Washington's Puget Sound Institute, Northwest Indian Fisheries Commission (and its member tribes), Washington Department of Health, Washington Department of Ecology, Washington Department of Fish & Wildlife, Washington Department of Commerce, Washington Department of Natural Resources, and Washington State University. The release notes successes achieved with NEP funds (e.g. re-opened shellfish acreage) and highlights goals for this round of funding (e.g., restoration of critical salmon and Orca habitat).

EPA awards Pacific Northwest tribes \$2 million for Water Quality Restoration and Protection: On December 13, Region 10 will announce via a news release just over \$2M in grants to support 32 tribes' nonpoint source pollution programs, boosting tribal water quality programs across three Northwest states to help protect people's health and the environment.

Upcoming Major Decisions

Nanushuk Oil and Gas Development Project Comment Letter Due on December 11: December 11th is Region 10's deadline to submit a second round of comments to the Army Corps of Engineers on a Clean Water Act Section 404 permit application for the proposed Nanushuk Oil and Gas development project in the Colville

River Delta area on Alaska's North Slope. The applicant is Armstrong Energy, LLC. The company proposes to place clean fill material into 271.6 acres of waters of the U.S., including wetlands, to construct the project. The project also includes temporary discharges to 5.8 additional acres of jurisdictional waters. As specified in the national MOA with the Corps, EPA sent a Clean Water Act Section 404 "3a" letter on November 13th invoking dispute resolution with Army Corps, Alaska District. No new information has been provided since the 3a letter was sent. December 11 is the deadline for the "3b" letter.

Last Week Highlights

Region 10 Works with Partners to Ensure Emergency Response Readiness: During the week of December 4th, Region 10 hosted several key meetings with partners at all levels of government and various industry sectors to aid in mutual emergency response readiness. The Northwest Area Committee Response Planning Summit was held in Seattle and was focused on making improvements to the Northwest Area Contingency Plan. This is the seventh year that the NWAC has used this inclusive process to gather items for the response community can improve. Region 10 also conducted 11 meetings in Alaska with agencies and industry partners to discuss improvements to response planning that state.

Region 10 Announces \$1.7 million to State Agriculture Departments to Support Statewide Pesticide Programs: Last week, Region 10 issued a news release announcing \$302,000 to the Alaska Department of Environmental Conservation, \$574,000 to the Washington State Department of Agriculture, \$394,000 to the Idaho State Department of Agriculture and \$445,000 to the Oregon Department of Agriculture to support statewide pesticide programs.

Office of Administration and Resources Management

Hot Issues

Best Places to Work

On December 6, 2017, Partnership for Public Service and Deloitte announced the results of the “Best Places to Work in the Federal Government.” The agency’s employee engagement score is 63.5 out of 100, placing EPA at 18 out of 25 mid-size agencies (agencies with 1,500-15,000 employees). This is a 0.9-point decrease from EPA's 2016 score of 64.4. OPM for the first time withheld data on 186 agencies and subcomponents after a review of its privacy policies. Of the 17 subcomponent(s) within EPA that were included in past rankings, five were withheld in 2017.

Next Steps: The Partnership for Public Service and Deloitte will revise the rankings for small agencies and subcomponents in early 2018.

Sammies

Recognition is an important part of employee engagement and the Samuel J. Heyman Service to America Medals (Sammies) are considered a top honor. These awards highlight excellence in our federal workforce and inspire other talented and dedicated individuals to go into public service. Nominations can be made by anyone and are due January 17, 2018. More information can be found at <https://servicetoamericamedals.org/>

Suspension and Debarment

On December 6, 2017, OARM’s Office of Suspension and Debarment received an inquiry from the Office of Michigan Governor Rick Snyder regarding Notices of Suspension issued by the EPA Suspension and Debarment Official for causes based on state criminal charges. Charges were filed against 15 defendants allegedly involved in the matter under criminal investigation referred to as the “Flint, MI water crisis.” The suspensions, which were issued to some individuals who are currently employed by the State of Michigan, are preliminary exclusions from receiving federal contracts and covered transactions to protect the public interest pending completion of legal proceedings. The State of Michigan, including the Michigan Department of Health and Human Services and the Michigan Department of Environmental Quality, are recipients of covered transactions. The EPA Suspension and Debarment Official’s Office provided information to the Chief Legal Counsel for the Executive Office of the Governor on the scope and effect of suspensions from covered transactions. There may be follow-up inquiries from the Governor’s office as the state seeks to ensure that it does not knowingly do business with an excluded person when carrying out covered transactions.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week's Highlights

Lean Project (Off-boarding)

The lean off-boarding project was initiated in FY 2017 to standardize, streamline and automate EPA's off-boarding processes. The results were revisions and updates to the EPA Personnel Separation or Transfer Checklist (EPA Form 3110-1) as well as integrating it with the EPA Records Management Checklist for Separating/Transferring or Separated Personnel (EPA Form 3110-49), which reduced the size of the checklist by 75%.

Next Steps: Piloting of the new form to begin later this FY after quality assurance and quality control checks are completed. The process will then be automated to further improve the off-boarding experience for all managers and employees.

Security Audit

OARM's Security Management Division is conducted a physical security assessment of the Cincinnati Lab and the Kenwood Warehouse the week of December 4, 2017. The assessment reviews all aspects of security at the facility and is intended to provide EPA Headquarters and Cincinnati Lab management with a comprehensive evaluation of the security posture of the facility in accordance with the Interagency Security Committee (ISC) standards for federal facilities.

Lean Training

OARM-Cincinnati is hosting an on-site LEAN Six Sigma green belt training the week of December 4, 2017. Twenty-eight attendees are participating in the course (including four HRSSC-Las Vegas employees and two employees from OCFO in Cincinnati).

Office of Air and Radiation

Upcoming Hot Issues and Important Deadlines

- **Tracking SIP Actions:**
 - Total Number of SIPs submitted to Regions in FY 2018: 39
 - Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 22
 - Total Number of Backlogged and Non-backlogged SIPs: 696
 - Backlogged: 522
 - Non-backlogged: 174
- **OAR actions under review at OMB:**
 - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG) – Stay Notices
 - Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications Approach – Supplemental Proposal
 - Greenhouse Gas Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units – Advance Notice of Proposed Rulemaking

State Implementation Plan (SIP)-Related Actions

- The Regions report that the following 8 SIP-related actions was signed this week:
 - **Region 1: Final Rule** - Vermont Regional Haze Five-Year Progress Report
 - **Region 1: Proposed Rule** - Vermont New Source Review
 - **Region 1: Final Rule** - Rhode Island Transport SIP for 2010 NO₂ and SO₂ NAAQS
 - **Region 3: Withdrawal Notice** - Control of VOCs from Auto and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations – PA
 - **Region 6: Final Rule** - Big River Steel LLC Title V Petition – Arkansas
 - **Region 6: Final Rule** - Final Approval of Texas Emissions Banking and Trading Programs for Area and Mobile Sources
 - **Region 6: Final Rule** - Albuquerque Regional Haze Progress Report SIP Approval
 - **Region 7: Direct Final Rule** - MO-346; 2010 SO₂ infrastructure SIP (except prongs 1, 2, and 4)

Upcoming Meetings, Public Events, or Other Public Releases

- **Light Duty Vehicle Fuel Economy Trends Report and Greenhouse Gas Performance Report:** EPA is close to releasing the annual Trends and GHG Performance reports.
- **Clean Air Act Advisory Committee (CAAAC) Annual Fall Meeting:** On Tuesday, December 12, 2017, EPA staff will participate in the CAAAC Fall meeting here in Washington, D.C.
- **State Implementation Plan Reform Workgroup Annual Meeting:** On Monday, December 11, EPA staff will meet with National Association of Clean Air Agencies (NACAA) and Environmental Council of the States (ECOS) to discuss state implementation plan (SIP) reform.

Upcoming Decisions

- **For Administrator's Signature – Revisions to Testing Regulations for Air Emission Sources:** In this rule we are proposing editorial and technical corrections to regulations that require

source testing of emissions. (This is a routine “clean-up” action that we have done several times in the past – most recently in August 2016). The package is with OP for review.

- **For Administrator’s Signature – Notice of Proposed Withdrawal of the Control Techniques Guidelines for the Oil and Natural Gas Industry:** This proposed notice of availability will solicit comment on the withdrawal of the Control Techniques Guidelines (CTG) for the oil and natural gas industry. The notice will soon be ready for OP and then OMB review.
- **For Administrator’s Signature – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Rotary Spin Lines Technology Review and Revision of Flame Attenuation Lines Standards:** This final rule finalizes a technology review for the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Wool Fiberglass Manufacturing. This action has a consent decree for signature of December 15, 2017. The package is with OP for review.
- **For Administrator’s Signature –Approval of Louisiana’s Request to Relax the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Several Parishes in Louisiana:** This final rule relaxes the federal RVP regulation applicable to gasoline introduced into commerce in 11 Louisiana parishes for gasoline sold during the summer ozone season. The package is with OP for review.
- **For Administrator’s Signature –Approval of Tennessee’s Request to Relax the Federal Reid Vapor Pressure Volatility Standard for Shelby County (Memphis):** This final rule relaxes the federal RVP regulation applicable to gasoline introduced into commerce in Shelby County (Memphis) for gasoline sold during the summer ozone season. The package is with OP for review.
- **For Administrator’s Signature – Renewable Fuel Standard (RFS) Program: Grain Sorghum Oil Pathway:** This proposed rulemaking responds to an industry request to assess whether biofuel made from non-food grade grain sorghum oil should be qualified as a pathway under the RFS program. The NPRM presents EPA’s analysis and proposes to find that certain fuels produced with this feedstock qualify for advanced biofuel and biomass-based diesel designation. The package is with OP for review.
- **For Administrator’s Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This consists of two actions: a withdrawal of a direct final rule, which needs to be published in the Federal Register by December 27, 2017 (the effective date of the rule); and a final rulemaking that needs to be finalized in advance of January 1, 2018, so that retailers and distributors have certainty that they can continue to sell their existing inventory of refrigerant products without restriction. The package will move to OP next week.

Recap of Past Week

- **Glider Public Hearing:** EPA held a public hearing on the proposed repeal of emission requirements for glider vehicles, glider engines, and glider kits on Monday, December 4, 2017.
- **New Source Review Memo:** Administrator Pruitt sent a memo to the Regional Administrators titled, “New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability.”

Office of Chemical Safety and Pollution Prevention

IMPORTANT DEADLINES

TSCA New Chemicals Determinations			
Determination Type	Pending on 9/5/2017	Determinations Completed* as of 9/5/2017	Determinations Posted on the Website as of 9/5/2017
# of "not likely" determinations	1	102****	101****
# of §5(e) Orders signed by both EPA and the submitter	-	258	255
# of §5(e) Orders signed by EPA and awaiting submitter signature	90	-	-
# of cases in Order development process	225***	-	-
# of cases flagged for in-depth review	51	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	19	-	-
# of LVE/LOREX exemption grants	-	448	441*****
# of LVE/LOREX exemption denials	-	97	88*****
Total number of cases	386	905	-
Normal active workload for the New Chemicals Program	300	-	-
Number of cases undergoing testing or data development by submitter	79	-	-
Backlog**	7	-	-

*"Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

** (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

*** Of these cases, approximately 74 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.

**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.

***** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.

HOT ISSUES

Hurricane Relief Efforts. OPP continues to provide support for hurricanes Harvey and Irma and is preparing lists of pesticide production facilities to inform officials on potential pesticide chemicals in the hurricane affected states. As of today, two Public Health Corps personnel have been activated and one OPP Response Service Corp volunteer has been activated.

Chemical Data for Areas Affected by Hurricanes. OCSPP has been pulling together information on chemical facilities in areas that have been impacted by Hurricane Harvey and those that could face potential impacts from Hurricane Irma. This information includes chemical facility, sector, and release information collected under OCSPP's Toxics Release Inventory (TRI) program, as well as information on chemicals manufactured and imported collected under OCSPP's Chemical Data Reporting Rule. Additionally, this same information will be compiled for geographic regions on the US mainland most likely to be severely impacted by Irma over the next several days.

Formaldehyde Compliance Dates. OCSPP will soon be publishing a final rule in the Federal Register to extend the compliance dates under the Formaldehyde Emission Standards for Composite Wood Products rule. In the interim, OCSPP is making available a signed prepublication version of the rule. This action adds regulatory flexibility for regulated entities, reduces compliance burdens, and helps to prevent disruptions to supply chains. Additionally, the final rule extends the end of the transitional period during which Third Party Certifiers (TPCs) recognized by the California Air Resources Board (CARB) may certify composite wood products under TSCA Title VI without accreditations issued by an EPA TSCA Title VI Accreditation Body.

Formaldehyde Voluntary Consensus Standards. OCSPP will soon publish a direct final rule to update several voluntary consensus standards listed at 40 CFR § 770.99 and incorporated by reference in the Formaldehyde Emission Standards for Composite Wood Products rule. These updates apply to emission testing methods and regulated composite wood product construction characteristics. Several of those voluntary consensus standards (technical specifications for products or processes developed by standards-setting bodies) were updated, withdrawn, and/or superseded through the normal course of business by these various bodies to take into account new information, technology, and methodology.

Reports of Crop Damage from Use of the Pesticide Dicamba

The Office of Pesticide Programs (OPP) is continuing to lead efforts to assess and understand reported damage to non-target crops from the use of dicamba to control weeds in genetically-modified cotton and soybeans. Monsanto and BASF are the primary companies that market these dicamba products for "over-the-top" applications in-season. To address these risks, the two companies have proposed additional restrictions for dicamba, to be implemented in time for the 2018 growing season. EPA will continue to work with Monsanto and BASF to make the necessary changes to these registrations. These additional restrictions include: limiting applications to times when wind speeds are below 10 miles per hour, limiting the time of day during which applications can occur, lowering tractor speeds during applications, and reclassifying these products as "restricted use

pesticides.” The reclassification of these products as “restricted use pesticides” will enable the states to mandate specific training for the proper use of these products and require that farmers maintain specific records regarding the use of these products, which will aid the states in any follow-up investigations they may need to conduct. In September, we expect to be able to announce an “agreement in principle” for these new restrictions, which will allow farmers to make informed choices for seed purchases for the 2018 growing season.

UPCOMING DECISIONS

Registration of the New Active Ingredient Florpyrauxifen-benzyl (Rinskor Herbicide). In early September, OPP expects to publish a final regulatory decision for the new active ingredient florpyrauxifen-benzyl (Rinskor Herbicide). Rinskor is an aquatic herbicide that will be used to control weeds in rice paddies and to control invasive weeds in slow moving aquatic areas, such as lakes, ponds, marshes, slow moving areas in rivers. The proposed decision for Rinskor was published on June 28, 2017, and remained open for 30 days. The Agency received a total of 40 comments during that period, with 38 in favor of the registration of Rinskor. Rinskor is considered to be a reduced risk herbicide because it shows extremely low toxicity to humans and demonstrates less potential risk to humans and other animals than the available aquatic herbicide alternatives. The registration of Rinskor will provide rice growers with an additional tool for weed resistance management, and will also provide aquatic weed managers with an additional tool to combat invasive weeds that are otherwise very difficult to control and a threat to natural aquatic species.

UPCOMING MEETINGS AND PUBLIC EVENTS

September 12 - OCSPP, in collaboration with the Small Business Administration (SBA) Office of Advocacy, is holding a public workshop on the use of the paint remover methylene chloride in furniture refinishing. This workshop will inform EPAs understanding of the use of the chemical, which is the subject of a proposed Section 6 rule and also one of the first ten chemicals identified for risk evaluation under TSCA. OCSPP learned during previous consultations with small businesses that many commercial furniture refinishers rely on methylene chloride for paint and coating removal. This meeting will be held at EPA Region 1 Headquarters in Boston, Massachusetts and will also be providing a remote access format to promote participation by phone.

September 13-14 - The CDR Inorganic Byproducts Negotiated Rulemaking Committee will be meeting again September 13-14, 2017; the meeting is open to the public. The objective of the Committee is to negotiate a proposed rule that would limit chemical data reporting requirements, under subsection 8(a) of the Toxic Substances Control Act (TSCA), for manufacturers of any inorganic byproducts when such byproducts are subsequently recycled, reused, or reprocessed. This negotiation process is required by TSCA, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. OCSPP believes the Chemical Data Reporting (CDR) rule is the only current reporting obligation under TSCA section 8(a) that is likely to affect the manufacturers of inorganic byproduct chemical substances.

USDA Shadow/Visit with The Office of Pesticide Programs. During the week of September 11-15, Jonathan Senn-Carter, a chemist with USDA’s AMS Pesticide Data Program (PDP), will participate in a shadow/visit with the Office of Pesticide Program’s Health Effects Division (HED). Jonathan is a liaison

for the Texas and Washington USDA labs where his responsibilities include providing sampling plans and priorities of chemicals. Jonathan is also responsible for preparing the monthly reports on presumptive tolerance violations. During Jonathan's visit with OPP, he will attend Chemical Science Advisory Council meetings on crop groups and work with OPP scientists to gain a better understanding of how OPP uses PDP data. Jonathan will share information on how PDP collects their samples and generates pesticide residue data on food. The Health Effects Division will share ways of estimating dietary exposure and risk to pesticides with PDP data.

State Officials and FIFRA Meeting. On September 18, OPP will host a meeting with the State-FIFRA Issues Research and Evaluation Group (SFIREG), a network of state officials interested in Federal/State "co-regulation" of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). SFIREG was established by the Association of American Pesticide Control Officials (AAPCO) with support from EPA.

LAST WEEK HIGHLIGHTS

Webinar on Persistent, Bioaccumulative and Toxic (PBT) Chemicals. On September 7, EPA hosted a webinar for interested parties to explain the process for gathering use and exposure information on five persistent, bioaccumulative, and toxic (PBT) chemicals under the amended Toxic Substances Control Act (TSCA). The webinar provided background on new requirements for regulating certain PBT chemicals and explained how interested parties can provide use information to EPA. Under TSCA section 6(h), EPA is required to take expedited regulatory action to address risks and exposures from certain PBT chemicals. By June 22, 2019, EPA must propose rules for the five PBT chemicals that have been identified under TSCA section 6(h)(1). OCSPP is currently identifying where these chemicals are used and how people are exposed to them.

Office of the Chief Financial Officer

Hot Issues

- With the current continuing resolution expiring this Friday, the House of Representatives passed another short term continuing resolution funding the government thru December 22. This Bill now goes to the Senate for a vote.
- Continuing to work with OMB on reaching settlement on the FY 2019 Passback issues. Following agreement on all issues, we will be transmitting final decisions to the agency next week so that they can begin developing the President's Budget that will be transmitted to Congress on February 5th.

Upcoming Public Events

- OCFO is working with NPMs to arrange OMB meetings on:
 - Savings from Category Management and Procurement Action Lead Time (PALT) proposed performance measures – Dec 12
 - E-Manifest – Dec 14

Upcoming Major Decisions

- Working with the COO who has requested all Strategic targets be finalized and for all DQRs to be completed by December 8. OCFO will continue to coordinate with the COO to ensure we receive the requested information; can give OMB an initial review during the week of December 11; and incorporate the targets in the final draft *FY 2018-2022 EPA Strategic Plan* due to OMB no later than December 22.
- OCFO policy review is underway on the results of senior leader review of public comments on the draft *FY 2018-2022 EPA Strategic Plan* December 7-15; and through December 14 on the draft *FY 2017 Annual Performance Report* and two-page performance highlights, which reflects results in meeting budget measure targets in the *FY 2017 Annual Performance Plan and Congressional Justification*, which will be part of the *FY 2019 CJ*.

Last Week Highlights

- Last Friday, OCFO prepared options, developed draft materials and delivered the agency's response to OMB Passback.

Other

- OCFO is issuing process guidance for the FY 2019 Congressional Justification, which informs the NPMs about when and how the CJ documents will be created, reviewed, and submitted to Congress.
- To date, EPA has received 49 mission assignments or agreements from other federal agencies for a total of \$167.4 million to support disaster responses, including \$51 million to support the California wildfires, all of which is in addition to EPA's base appropriated funding. Region 9 was activated for the new round of California wildfires, but OCFO has not received the new mission assignment yet.
- OCFO completed the first round of Hurricane Harvey billings, totaling \$6.7 million. FEMA requires detailed information concerning the expenses, and SCORPIOS is used to compile that information necessary for reimbursement.

Office of Congressional and Intergovernmental Relations

- *Upcoming Hot Issues and Important Deadlines*

- *Upcoming Events*

- **Week of Dec 11** – Transmittal of 2017 National Water Quality Indicators Report to Congress
- **Dec 11** – Public meeting on TSCA prioritization for risk evaluation w/OCSPP
- **Dec 12** – Meeting with Cong. Walden (OR) staff and OR ag contacts re: pesticides and water issues w/ OCSPP and OW
- **Dec 12** – Ken Wagner, Senior Advisor to the Administrator will attend the Ag State Directors meeting for Region 7 and Region 8 and speak on Cooperative Federalism
- **Dec 14** - Meeting with Congressman Cramer's staff, Sabin Metals and Mayer Brown LLP to discuss the impacts of the import ban of petrochemical byproducts to the U.S. for recycling.

- *Past week accomplishments*

- **Week of Dec 4** – Ken Wagner, Senior Advisor to the Administrator, met with Region 10 visited Utah with Region 8 Administrator and attended an all states meeting with Region 7.
- **Dec 5** – Meet and Greet with Lee Forsgren and Mayor Dan Horrigan of Akron, OH. The meeting gave Mayor Horrigan an opportunity to get acquainted with the new Office of Water leadership, and to share highlights about the city's continuing efforts to address Combined Sewer Overflow (CSO) issues, and advance its Integrated Plan for Storm water Management
- **Dec 5** – HSST briefing to discuss IRIS RFC
- **Dec 6** – Public meeting on TSCA New Chemicals program w/OCSPP
- **Dec 6** - OCIR notified interested congressional offices that EPA will hold three additional public listening sessions on the proposed repeal of the Clean Power Plan in San Francisco, Calif., Gillette, Wyo. and Kansas City, Mo.
- **Dec 6** - SEPW held a hearing on "Challenges Facing Superfund and Waste Cleanup Efforts Following Natural Disasters
- **Dec 7** - the House Energy & Commerce Committee will hold a hearing on "The Mission of the U.S. Environmental Protection Agency. "Administrator Pruitt testified.
- **Dec 7** – Susan Bodine was confirmed as Associate Administrator for OECA by voice vote in the Senate

- **Dec 8** - OIR managed a conference call between EPA's WIFIA staff and Mayor of Akron, Ohio Pro Tem Michael Johnson, Council Member William Morgan, and city staff. Region IV will also participate

- ***Ongoing activities***

- **FY18 Appropriations:** A short-term continuing resolution was past. government running past a Dec. 8.

Office of Enforcement and Compliance Assurance

Hot Issues

VW Criminal Sentencing: On December 6th, a federal judge in the Eastern District of Michigan (Detroit) sentenced former Volkswagen AG executive (b) (6) to seven years in prison and a fine of \$400,000 for his role in the company's emissions scandal. The sentence was the statutory maximum under the law. On August 4, 2017, (b) (6), a citizen and resident of Germany, pled guilty to conspiracy to defraud the United States, commit wire fraud, and violate the Clean Air Act. (b) (6) is the former general manager of Volkswagen AG's U.S. Environment and Engineering Office.

As part of his guilty plea, (b) (6) admitted that he agreed with other VW employees to mislead and defraud the United States and U.S. customers who purchased the diesel vehicles, and to violate the Clean Air Act. Also as part of his guilty plea, (b) (6) agreed that during his participation in the scheme, he and his co-conspirators caused losses to victims of more than \$150 million and that he obstructed justice.

Upcoming Events/Public Meetings

On December 12th, as part of Annex 5 of the China-U.S. Environmental Cooperation MOU, OECA will host a delegation of enforcement officials from China's Ministry of Environmental Protection and local environmental regulators in China on enforcement and compliance.

On December 8th, Patrick Traylor will meet with representatives from the Natural Resources Defense Council to discuss enforcement issues.

On December 13th, OECA's National Enforcement Investigations Center will be hosting a delegation from the Environmental Protection Administration Taiwan – Bureau of Environmental Inspection on techniques for environmental enforcement investigations.

Upcoming Major Decisions

None.

Last Week's Highlights

Edison Electric Institute (EEI) and the Environment, Health, Safety & Security (EHS²) Roundtable: On December 6th, Acting Assistant Administrator Larry Starfield joined DOJ Acting Assistant Attorney General Jeff Wood in speaking with senior environmental leaders and managers from the electric power industry on current priorities for environmental compliance and enforcement.

Clean Air Act Civil Settlement: On December 5th, the Department of Justice, on behalf of EPA, lodged a consent decree with Swedish company Husqvarna, to resolve alleged violations of the Clean Air Act by improving testing and reporting of emissions from outdoor power products, such as trimmers, leaf blowers, and chainsaws, that the company makes and sells in the United States. Consumers will benefit from reductions in emissions from products the company sells in the future. The company also agreed to pay a \$2.85 million civil penalty.

OECA Meets with State and Tribal Pesticide Officials: This week, leaders of state and tribal pesticide programs met with OECA and OPP management to discuss various current and emerging pesticide regulatory

and enforcement issues facing state and tribal pesticide programs. The state and tribal officials were in Washington for a meeting of the State FIFRA Issues and Research Evaluation Group (SFIREG), held twice each year as a forum for collaboratively raising issues to EPA. Issues raised included compliance and enforcement concerns over implementation of two recently revised regulations for worker protection standards and applicator certification and training requirements, as well as new label requirements for future use of new technology dicamba products that have been linked to significant off-target crop damage during the 2017 growing season.

Pilot of Online Tool for Per- and Polyfluoroalkyl Substances (PFASs) Data: OECA is undertaking the pilot of a tool that consolidates scattered data resources across Federal Agencies to identify areas of environmental concern from PFAS that could represent potential human health risk. The tool includes an interactive map of information from a variety of data sources, such as Unregulated Contaminant Monitoring Rule public water supply data, and Department of Defense fire training site locations. The tool also allows the user to search for particular facilities by name and provides other interactive charts and tables. The pilot tool reflects input from some regions and states, though currently it is only available to EPA.

Office of Environmental Information

Last Week's Highlights

State and Tribal Partners Participation in the Developers' Guild

- **Brief description:**
 - On November 28, through the Exchange Network coordinator, State and Tribal Partners collectively decided to participate in the Developers' Guild.
 - State and Tribal Partners have come to know of the Developers' Guild Community of Practice through the Exchange Network, where a number of partners became interested in accessing the webinars as a shared resource for professional development and education.
 - On November 7, OEI hosted its first monthly Developers' Guild webinar meeting that included State and Tribal Partners, and although their turnout was relatively low, moving forward, we anticipate increased participation from the States and Tribes and will further coordinate with them to present best practices in information technology and information management.
- **Who benefits or cares: EPA and State & Tribal Partners**
- **Why this is important: Previously, the Developers' Guild has been a community of practice only open to EPA and Contractors to EPA.**
- **Additional information:**
 - The Developers' Guild supports EPA developers and IT professionals to share the best available information and tools to innovate, collaborate, and develop the highest quality environmental information application and systems.
 - The Exchange Network is an Internet-based system used by state, tribal and territorial partners to securely share environmental and health information with one another and EPA.

Office of General Counsel

New Judicial Decisions

- EPA received a favorable decision granting the agency's motion for summary judgment and dismissing NRDC's mandatory suit against the agency for lack of jurisdiction. NRDC argued that EPA had a duty to conduct a CWA review of a series of Temporary Urgency Change Petition (TUCP) Orders that California had issued while operating under a state emergency declared by the Governor. The district court held that NRDC's claims were moot given the following considerations: (1) the orders have all since expired; (2) the Governor's declaration of drought emergency has since expired; and (3) EPA has since completed an administrative review detailing why these TUCP Orders were not water quality standards changes requiring a review. (*Natural Resources Defense Council v. Pruitt*, No. 3:16-cv-02184)

New Complaints Filed

- The National Parks Conservation Association and Sierra Club have filed a petition for review in the D.C. Circuit challenging a rule withdrawing Texas from Phase 2 of CSAPR for annual emissions of SO₂ and NO_x. The challenged rule also included EPA's determination that CSAPR will continue to provide for greater reasonable progress than BART following EPA's response to the remand of a number of states' CSAPR budgets. Although the petition for review does not identify the basis for the environmental groups' challenge, it is almost certainly a challenge to EPA's determination that states may continue to rely on CSAPR to satisfy the regional haze program's BART requirements. (*National Parks Conservation Ass'n v. EPA*, No. 17-1253)
- Four new FOIA cases have been initiated in the past week:
 - The New York Times filed a FOIA lawsuit in the U.S. District Court for D.C. with two counts alleging in Count One that EPA failed to respond to a FOIA request (HQ-2017-009347) and in Count Two that EPA failed to make records available that were requested three or more times as required by 5 U.S.C. § 552(a)(2)(D). The FOIA request was submitted on July 12, 2017 and sought the Administrator's daily calendar from April 1 through the date of the search. (*Lipton, et al. v. EPA*, No. 1:17-cv-2588)
 - Natural Resources Defense Council filed a FOIA lawsuit in the U.S. District Court for the Southern District of New York alleging that EPA failed to respond to a FOIA request (HQ-2017-011514). The FOIA request sought various records concerning (1) the "red team-blue team" climate-change related exercise announced by the Administrator in June 2017 and (2) EPA's Protocol for Office of Affairs of Draft Competitive Grant Solicitations released in August 2017. The complaint alleges that Plaintiff contacted the EPA FOIA Headquarters in October (voice mail) and November (email) and did not receive a response. (*Natural Resources Defense Council, Inc. v. EPA*, No. 1:17-cv-9492)
 - Environmental Integrity Project filed a FOIA lawsuit in the U.S. District Court for D.C. alleging that EPA failed to respond to a FOIA request (HQ-2018-000967). The FOIA request sought copies of the Administrator's speeches or written remarks for speeches through the date of the request (October 25, 2017). The request included a chart of the Administrator's speeches

as obtained from the Administrator's calendar. (*Environmental Integrity Project v. EPA*, No. 1:17-cv-2578)

- The Energy & Environment Legal Institute and Free Market Law Clinic sued EPA for allegedly failing to respond to a FOIA in the U.S. District Court for D.C. The FOIA (2018-000982) sought communications between Thomas Sinks (EPA Office of the Science Advisor) and either Linda Birnbaum (National Institutes of Health) or John Ray Bucher (National Institutes of Health) that contains glyphosate, IARC, EFSA, and/or "Cancer Assessment Review Committee" or CARC. (*Energy & Environment Legal Institute v. EPA*, No. 1:17-cv-2571)

Hot Topics

- On December 1, the Administrator signed a final action determining that the risk from the hard-rock mining industry is minimal and that no additional federal requirements for financial responsibility are necessary under CERCLA section 108(b). OGC provided significant legal counsel on this effort, which resulted in EPA meeting its court-ordered deadline of December 1, 2017. The underlying case is *In re: Idaho Conservation League, et al.*, No. 14-1149 (D.C. Cir.).

New Petitions that OGC is Aware Of

- None that OGC is aware of.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- On December 15, Kevin Minoli, Acting General Counsel, and Elise Packard, Acting Principal Deputy General Counsel, will be off-site attending training.
- Kevin Minoli will be out of the office from December 20 through December 26.

Upcoming Major Deadlines in the Next Two Weeks

- 12/08 EPA's Brief due in *Air Alliance Houston, et al. v. EPA*, a petition for review of EPA's final action titled "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Further Delay of Effective Date."
- 12/08 *Certiorari* Recommendation Letter due in *Wyoming v. EPA*, a litigation challenging EPA's determination regarding the boundaries of the Wind River Indian Reservation in Wyoming, made in the context of approving the Northern Arapaho and Eastern Shoshone Tribes' Clean Air Act application for treatment-in-the-same-manner-as-a-state for purposes of administering certain non-regulatory provisions of the statute.
- 12/08 Response to Summary Judgment Motion and Cross-motion due in *Sierra Club, et al. v. Pruitt*, a challenge to extension of compliance date for TSCA formaldehyde rule.
- 12/08 Report to court on reconsideration decisions due in *State of Maine v. Pruitt*, a challenge to EPA's approvals of sustenance fishing designated uses and disapproval of human health criteria for waters in Indian country.
- 12/11 Motion to Govern Further Proceedings due in *Natural Resources Defense Council, et al. v. EPA*, a petition for review of EPA's final action titled "Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard."

- 12/11 Oral Argument in *U.S. v. U.S. District Court of Oregon and Juliana, et al.*, a petition for writ of mandamus over denial of motion to dismiss in *Juliana v. United States*, a case alleging multi-agency constitutional and public trust violations arising from actions and inactions on climate change.
- 12/11 The Reply to the Opposition Motion to EPA's Renewed Motion for Summary Judgment is due in *Hunton & Williams v. EPA*, a FOIA lawsuit pertaining to a Region 9 and OW response to a request that sought certain records relating to an AJD for the DMB Redwood City Saltworks site.
- 12/11 Court ordered mediation in *City of Bolivar v. EPA*, a city challenge to EPA TMDL for nutrients and suspended solids in Piper Creek, Mo. Parties participating in court-ordered mediation.
- 12/12 Opposition to Motion for Summary Judgment/Answer due in *Massachusetts Rivers Alliance, et al. v. EPA*, a protective petition for review of EPA's APA section 705 postponement of effective date of MA small MS4 general permit from July 1, 2017 to July 1, 2018.
- 12/13 Response Brief is due in *State of Connecticut v. EPA*, where plaintiff alleges EPA failed to grant or deny section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania.
- 12/13 EPA's Reply on Pattern and Practice claim is due in *NRDC v. EPA*, a FOIA litigation concerning a request that sought policy or guidance for removing information or web pages from an EPA website.
- 12/13 EPA's Appellee Brief is due in *Hall & Assoc. v. EPA*, a FOIA litigation regarding the district court's denial of Hall's fee request and motion for reconsideration.
- 12/13 Response to Petitions due in *API v. EPA*, litigation involving two portions of the 2015 DSW rule that were vacated are: (1) certain provisions of the "verified recycler exclusion"; and (2) factor 4 of the definition of legitimate recycling for all recycling except the new generator-controlled exclusion, remanufacturing of high value solvents exclusion, and the reinstated transfer-based exclusion.
- 12/13 EPA response to petition for writ of certiorari due in *Center for Regulatory Reasonableness v. EPA*, a challenge to D.C. Circuit decision.
- 12/14 EPA's Reply due in *Sierra Club v. EPA*, litigation concerning Clean Air Act deadlines related to Commercial and Industrial Solid Waste Incinerators and other categories of Solid Waste Incinerators.
- 12/14 Consent Decree deadline to issue a final Integrated Science Assessment addressing health effects of SOx in *Center for Biological Diversity, et al. v. EPA*.
- 12/14 Motion on Scope of Hearing due in *Food and Water Watch v. EPA*, a challenge to denial of TSCA fluoride petition.
- 12/14 Response to Motion to Amend Complaint due in *Upper Missouri Waterkeeper v. EPA*, a challenge to EPA 2015 approval of Montana's nutrient variances.
- 12/15 Parties to file stipulation of dismissal or proposed briefing schedule in *Sierra Club v. EPA*, litigation where plaintiff alleges the EPA failed to promulgate a good neighbor FIP for Texas.

- 12/15 EPA's Answer or Motion to Dismiss due in *Small Retailers Coalition v. EPA*, litigation alleging the EPA is noncompliant with sections 603 and 604 of the RFA in issuing the 2017 RFS standards, and for failing to annually review the point of obligation of the RFS.
- 12/15 Consent Decree deadline for final RTR for the Wool Fiberglass NESHAP in *Sierra Club v. EPA*.
- 12/15 Consent Decree deadline to take final action on Louisiana's regional haze SIP in *Sierra Club v. Pruitt*, a complaint alleging EPA's failure to perform a non-discretionary duty to promulgate a FIP within two years of EPA's partial disapproval of Louisiana's Regional Haze SIP.
- 12/15 Motion for Summary Judgment due in *EIP v. EPA*, a FOIA matter seeking records pertaining Administrator Pruitt's meetings with outside parties and travel vouchers.
- 12/15 Response to Application for Attorneys' Fee in *CBD, et al. v. EPA*, a challenge to registration of cyantraniliprole.
- 12/15 Motion for Summary Judgment due in *Exxon Mobil Corp. v. U.S.*, where plaintiff alleges RCRA work constitutes "necessary costs of response...consistent with the national contingency plan" for which the U.S. is liable under CERCLA.
- 12/15 Consent Decree deadline to either propose nutrient water quality criteria for Missouri lakes or approve criteria adopted by Missouri in *Missouri Coalition for the Environment Foundation v. Pruitt*.
- 12/15 Response to environmental group petitioners' opening brief is due in *SWEPCO v. EPA*, petitions for review of EPA's 2015 parts of steam electric rule not being reconsidered.
- 12/15 Reply Brief due in *Riverkeeper v. Pruitt*, a mandatory duty challenge to EPA's inaction on NYS recreational water quality criteria submission.
- 12/18 Consent Decree deadline to object to the Special Master's report on fees in *Association of Irrigated Residents, et al. v. EPA*.
- 12/18 Answer due in *State of Maryland v. EPA*, litigation alleging the EPA failed to hold a public hearing and take final action on the State's section 126 petition. The State's petition asks EPA to find that 36 power plant units located in Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia are significantly contributing to nonattainment or interfering with maintenance of the 2008 ozone NAAQS in Maryland.
- 12/18 Consent Decree deadline to issue a finding of failure to submit for Pennsylvania and Washington and for Illinois, Massachusetts, and Rhode Island in *CBD v. Pruitt*, a PM2.5 deadline suit.
- 12/19 Reply Brief in support of motion to dismiss due in *City of Highland Park v. EPA, et al.*, where plaintiff alleges that EPA failed to enforce grant conditions and did not adequately oversee Michigan's state permit program.
- 12/20 Reply Brief due in *State of Connecticut v. EPA*, where plaintiff alleges EPA failed to grant or deny section 126 petition filed by Connecticut regarding Brunner Island Steam Electric Station in York County, Pennsylvania.
- 12/21 Motions to Govern due in *State of Texas, et al. v. EPA*, a petition for review of EPA's final rule titled "Protection of Visibility: Amendments to Requirements for State Plans."

- 12/21 Summary Judgment Brief due in *Potomac Riverkeeper, et al. v. Pruitt, et al.*, a challenge to EPA approval of Virginia 2014 303(d) list – Shenandoah River issue)
- 12/22 Reply in support of Cross-Motion for Summary Judgment due in *Sierra Club, et al. v. Pruitt*, a challenge to extension of compliance date for TSCA formaldehyde rule.
- 12/22 Reply Brief due in *Charleston Sanitary Board v. Pruitt*, a challenge to EPA's disapproval of site specific copper criteria in West Virginia.

Office of International and Tribal Affairs

Hot Issues:

None

Upcoming Engagements:

December 8-13: U.S.-Morocco Environmental Cooperation Workshops and Meetings

Past Week Highlights:

PCC Meeting on G20 - OITA attend the White House Policy Coordinating Committee meeting on US engagement in the next cycle of the G20. The purpose of this meeting was to begin preparations and policy coordination for Argentina's G20 Presidency in 2018 and to prepare for the G20 Sherpa meeting later this month. Agencies were asked to develop briefing papers to support the US Sherpa's participation, including World Economy and Overview of Finance Track; Employment, Education, and Digital Economy; Development; Anticorruption; Health; Climate and Energy; Agriculture; and Trade and Investment. EPA offered contributions to several of these high-level papers and noted continuing efforts on resource efficiency under the G20.

United Nations Environment Assembly:

EPA (OITA, AO, OGC, OAR) and the State Department represented the U.S. at the third United Nations Environment Assembly. The US delegation successfully negotiated a number of resolutions, including US sponsored resolutions, one on lead paint and waste lead acid batteries and one on water and marine litter. EPA gave presentations at the Science Policy and Business Forum, and participated in the air quality monitoring and lead paint sessions. EPA also held numerous bilateral meetings to advance EPA's work with key country partners, and participated in the US private sector roundtable to support US environmental technologies and innovation.

South American Environmental Enforcement Network: The Fifth meeting of the South American Environmental Enforcement and Compliance Network was held in Brazil. The Network was established with EPA assistance to improve environmental enforcement and compliance in the region. The Network was chaired this year by Brazil and was attended by the following member countries - Chile, Ecuador, Peru, Paraguay and Argentina. Several new countries joined during this event, including Panama, Mexico and Costa Rica. In addition, the following countries requested admission to the Network - Bolivia, El Salvador, Guatemala, Dominican Republic and Honduras. As the result of this growing membership, the name of the Network has been changed to the Latin American Environmental Enforcement Network. Chairmanship for the next year passed to Argentina.

Office of Land and Emergency Management

Hot Issues

1. **Emergency responses to hurricanes and wildfires.** Large-scale responses continue in both Region 2 (Puerto Rico and the US Virgin Islands) and Region 9 (Northern California). Still to be determined is the potential need for a large-scale EPA response to wildfires in Southern California.
2. **Coal Combustion Residuals.**
3. **Clean Air Act 112(r) Risk Management Program (RMP).**
4. **Ongoing major Superfund NPL sites (for example, B.F. Goodrich, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates).** We identified sites that could be included on the forthcoming list.
5. **CERCLA-EPCRA AFO-CAFO Rule.** The DC Circuit Court of Appeals granted EPA's motion to further stay the mandate until January 22, 2018. No reporting is necessary until the mandate is issued.

Upcoming Public Events

Upcoming Major Decisions

1. **E-Manifest User Fee Final Rule.** The rule package is with OMB.
2. **Coal Combustion Residuals.**
 - (a) **Qs and As.** We are working with the AO and OGC on answers to questions posed by Indiana.
 - (b) **Potential Remand Rule.** We are working with the AO and OGC to evaluate what could be included, and the associated timing.

Last Week Highlights

1. **Brownfields Conference.** The national Brownfields Conference concludes today in Pittsburgh. Approximately 2,200 people registered.
2. **National Association of Remedial Project Managers Training Program (NARPM).** The national meeting is taking place this week in Denver. More than 300 representatives from federal, state, and tribal agencies are participating.
3. **Brownfields Legislation.** OLEM helped provide technical assistance to House and Senate staff on language defining non-profits.

4. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing.** The final rule was signed on December 1, the judicial deadline. It is pending publication in the Federal Register

Office of Policy

FRL	Title	Date Submitted to OFR
9971-43-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque and Bernalillo County; Regional Haze Progress Report State Implementation Plan	12/6/2017
9970-51-OCSP	Agency Information Collection Activities; Proposed Renewal of an Existing Collection (EPA ICR No. 0276.16 and OMB Control No. 2070-0040); Comment Request	12/6/2017
9971-72-Region 4	Air Plan Approval; Florida; Stationary Sources Emissions Monitoring	12/6/2017
9971-83-Region 2	Approval and Promulgation of Implementation Plans; New York; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standards	12/6/2017
9971-38-OCSP	Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products	12/6/2017
9970-04-OCSP	Sedaxane; Pesticide Tolerances	12/5/2017
9971-01-OCSP	Certain New Chemicals or Significant New Uses; Statements of Findings for August and September 2017	12/5/2017
9971-02-OCSP	Pesticide Emergency Exemptions; Agency Decisions and State and Federal Agency Crisis Declarations	12/5/2017
9971-50-OLEM	Financial Responsibility Requirements under CERCLA Section 108(b) for Classes of Facilities in the Hardrock Mining Industry	12/5/2017
9969-96-OCSP	Bacillus subtilis strain BU1814; Exemption from the Requirement of a Tolerance	12/5/2017
9970-39-OCSP	Indoxacarb; Pesticide Tolerances	12/5/2017
9971-61-Region 5	Air Plan Approval; Minnesota; 2008 Ozone Transport	12/5/2017
9971-24-Region 8	Montana Second 10-Year Carbon Monoxide Maintenance Plan for Missoula	12/5/2017
9971-66-OAR	Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS)	12/5/2017
9971-62-Region 5	Adequacy Status of the Metro-East St. Louis, Illinois 2008 Ozone Standard Nonattainment Area for the Submitted Maintenance Plan for Transportation Conformity Purposes	12/5/2017
9956-82-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of West Virginia	12/5/2017

9971-48-OAR	Agency Information Collection Activities; Proposed Collection; Comment Request; EPA's Light-Duty In-Use Vehicle Testing Program (Renewal); EPA ICR No. 0222.11, OMB Control No. 2060-0086	12/5/2017
9971-53-OW	Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Restoration Plan and Environmental Assessment #2: Provide and Enhance Recreational Opportunities	12/5/2017
9971-44-OAR	Proposed Information Collection Request; Comment Request; Recordkeeping and Reporting for the Renewable Fuel Standard Program	12/5/2017
9971-23-Region 9	Public Water System Supervision Program Revision for the State of Hawaii	12/5/2017
9971-39-OLEM	Thirty-second Update of the Federal Agency Hazardous Waste Compliance Docket	12/5/2017
9970-84-Region 6	Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Big River Steel, LLC, Osceola, Arkansas	12/4/2017
9971-74-Region 5	Air Plan Approval; Ohio; Redesignation of the Fulton County Area to Attainment of the 2008 Lead Standard; Withdrawal of Direct Final Rule	12/4/2017
9971-77-Region 5	Air Plan Approval; Illinois; Redesignation of the Chicago and Granite City Areas to Attainment of the 2008 Lead Standard; Withdrawal of Direct Final Rule	12/4/2017
9971-64-Region 5	Air Plan Approval; Illinois; Redesignation of the Illinois portion of the St. Louis-St. Charles-Farmington, Missouri-Illinois Area to Attainment of the 2008 Ozone Standard	12/4/2017
9971-78-Region 5	Approval and Promulgation of Air Quality Implementation Plans; Minnesota; Regional Haze Progress Report; Withdrawal of Direct Final Rule	12/4/2017
9971-79-Region 5	Air Plan Approval; Illinois; Regional Haze Progress Report; Withdrawal of Direct Final Rule	12/4/2017
9971-68-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2012 Annual Fine Particulate Matter (PM2.5) National Ambient Air Quality Standard; Withdrawal of Direct Final Rule	12/4/2017
9971-69-Region 7	Approval of Missouri Air Quality Implementation Plans; Infrastructure SIP Requirements for the 2010 Nitrogen Dioxide National Ambient Air Quality Standard; Withdrawal of Direct Final Rule	12/4/2017

9971-70-Region 3	Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Interstate Transport Requirements for the 2010 1-Hour Sulfur Dioxide Standard; Withdrawal of Direct Final Rule	12/4/2017
9971-67-OAR	Periodic Reviews of the Renewable Fuel Standard Program	12/4/2017
9971-73-OAR	Renewable Fuel Volume Standards for 2018 and Biomass Based Diesel Volume (BBD) for 2019	12/4/2017
9971-75-Region 5	Air Plan Approval; Wisconsin; Regional Haze Progress Report; Withdrawal of Direct Final Rule	12/4/2017
9971-56-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Clean Air Interstate Rule Trading Programs Replaced by Cross-State Air Pollution Rule Trading Programs; Withdrawal of Direct Final Rule	12/4/2017
9971-80-Region 5	Air Plan Approval; Michigan; Regional Haze Progress Report; Withdrawal of Direct Final Rule	12/4/2017
9971-58-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Delaware; Reasonably Available Control Technology (RACT) State Implementation Plan (SIP) Under the 2008 Ozone National Ambient Air Quality Standard (NAAQS)	12/1/2017
9971-60-Region 5	Air Plan Approval; Indiana; Regional Haze Five-Year Progress Report State Implementation Plan	12/1/2017
9971-63-Region 5	Air Plan Approval; Ohio; Infrastructure SIP Requirements for the 2012 PM2.5 NAAQS; Multistate Transport	12/1/2017
9971-41-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendment to Ambient Air Quality Standard for Ozone; Withdrawal of Direct Final Rule	12/1/2017
9969-70-Region 9	Notice of Availability of Proposed National Pollutant Discharge Elimination System (NPDES) General Permit for Low Threat Discharges in Navajo Nation and NPDES General Permit for Bulk Fuel Storage Facilities in Guam	12/1/2017
9971-04-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs for Area and Mobile Sources	12/1/2017
9971-59-Region 1	Air Plan Approval; Massachusetts; Logan Airport Parking Freeze	11/30/2017
9971-57-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Removal of Source-Specific Requirements for Permanently Shutdown Facilities	11/30/2017

9971-65-OLEM	Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Continuous Release Reporting Requirements; Reporting Air Releases of Hazardous Substances from Animal Wastes at Farms under CERCLA Section 103.	11/30/2017
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Office of Research and Development

We had a productive call last week with the ECOS ERIS board as part of our regular collaborative efforts on cooperative federalism. We also continue to provide support to Region 5 on the PFAS issue with the Wolverine tannery site in Michigan.

Hot issues

ORD Supporting Vermont Ricin Response

(b) (6), a 70 year old resident of the (b) (6) retirement community in Shelburne, VT (suburb of Burlington) was arrested after she admitted to making ricin and then testing its effectiveness by putting it in the food and beverages of three other residents of the community. (b) (6) stated that she made ricin to poison herself. This weekend, EPA was asked to prepare to clean up (b) (6) residence. ORD was asked by the Office of Emergency Management's CBRN Consequence Management Advisory Division to provide technical support related to analysis of surface samples that are anticipated to be taken this week. ORD helped select the sample processing and analysis method, using its expertise to assist in a method that met the sensitivity and selectivity requirements with the sample analysis cost and time. ORD recommended use of its "Sample Processing Approach for Detection of Ricin in Surface Samples" and will provide technical support to the laboratory analyzing the samples, likely Edgewood Biological and Chemical Center, in the coming days.

Integrated Science Assessment on Sulfur Oxides

The Integrated Science Assessment (ISA) on Sulfur Oxides is due to be released in early December. The document has been revised in response to comments from the Clean Air Scientific Advisory Committee (CASAC) and the public, and the CASAC review is now complete. A court-ordered schedule requires that the final ISA be issued no later than December 14, 2017, and ORD is on track to meet this deadline.

Region 8 Technical Support on Arsenic in Yellowstone Public Water System

Yellowstone National Park has naturally occurring arsenic in their public water system (Old Faithful Water System), which provides water to about 900-5500 people in the park per day. Region 8 contacted ORD for assistance in reducing the arsenic levels below the maximum contaminant level. On December 6 ORD participated in a call with Region 8 and the Old Faithful Water System Operator to review the water system's arsenic removal plan and schedule.

Technical Support Request from U.S. Army on Lead Sampling

The Drinking Water Quality Branch of the U.S. Army Public Health Center contacted ORD regarding a lead sampling effort, requesting ORD's involvement and expertise. The Army has been collecting drinking water samples for lead in schools, day care centers, and some housing on bases and, as of the end of FY17, they have over 17,000 samples.

Upcoming public events

Interagency Meetings on Oil Pollution Research, Washington, DC

On December 12, ORD, OLEM and OITA, will participate in a meeting with representatives from Canada's Department of Fisheries and Oceans (DFO), including Ken Lee, National Senior Science Advisor for Oil Spills Research, Preparedness and Response, and Patrice Simon, Director of DFO Headquarters. The purpose of the meeting is to discuss formal inter-governmental partnerships between EPA and DFO Canada for oil spills research. On December 13-14, ORD will attend the quarterly Interagency Coordinating Committee for Oil Pollution Research (ICOPR) meeting to deliver FY18 research product updates and meet with OLEM at the U.S. Coast Guard headquarters.

Meeting and Visit from China Ministry of Environmental Protection

Next week, EPA's Research Triangle Park facility is hosting officials from the Chinese Ministry of Environmental Protection and the Nanjing Institute of Environmental Sciences. The December 11-13, 2017, visit is part of continuing meetings to respond to the interest of Chinese officials in how EPA is structured and, particularly, in how research laboratories are organized to support the important statutory missions of the Agency. Presentations and tours will focus on U.S. chemical risk assessment and risk management, including EPA research laboratory contributions to implementation of the Toxic Substances Control Act and other statutes.

Last week Highlights

Update on ORD Support to Region 6 and OK-DEQ on Dewey, Oklahoma Response

EPA Region 6, ORD, and Oklahoma Department of Environmental Quality (DEQ) have been working together in response to multiple cases of girls (ages ~14-18) falling ill in Dewey, Oklahoma. While the cause for their illnesses is unknown, EPA Region 6 was asked to perform a series of environmental tests at their high school. ORD previously provided advice regarding selection of methods to analyze metals, semi-volatile organic compounds, and pesticides in water and air and pesticides on surfaces. ORD is currently supporting Region 6 through review of the data they collected through air and surfaces wipes and is ready to provide additional assistance, specifically interpreting and developing Regional Screening Levels through their Superfund Technical Support Center, if needed.

Prescribed Burn Video Presented to State Environmental Directors: A picture is worth a thousand words. That may be the case with video of research to measure emissions from prescribed burning of Tallgrass Prairie National Preserve in Flint Hills, Kansas. The footage was requested by Region 7 for ORD to share at a meeting on Dec. 6 with State Environmental Directors for Kansas, Missouri, Iowa and Nebraska.

Dover Health Impact Assessment (HIA) Project Meeting

On November 28, the EPA Leadership Team for the Dover, Delaware Rapid HIA Project met with state, county, and academic partners. This project explores the social, economic, and health benefits that could result from the redevelopment of a brownfield site in downtown Dover into a hydroponic/aquaponics mixed-use food production facility. At the meeting, a draft HIA report was presented and discussed and next steps for local partners were developed. Dover's Mayor, Robin Christiansen, joined the group after the meeting to greet and thank everyone for their participation. The Dover HIA Team extended their gratitude to the EPA Leadership Team for their work on the project and the draft final report.

Harmful Algal Bloom Grants Awarded

ORD awarded two grants for a total of \$1.4 million for research supporting innovative research on the prediction, prevention, control and mitigation of freshwater Harmful Algal Blooms (HABs). This research also

supports greater understanding in the drivers, life-cycle patterns, and fate of and effects from less-common, less-studied, and emerging freshwater HAB species and toxins. Grantees include:

1. Iowa State University for \$760,000: This project explores genetic and environmental factors controlling the occurrence of HABs in Iowa's lakes. The project will produce tools and databases accessible and useful for state/local decision makers and managers dealing with HABs. This project improves monitoring and predictive tools targeting future cyanotoxin monitoring and mitigation efforts. Resulting research and tools may be applicable in other states.
2. Ohio State University for \$681,343: The project is developing a watershed classification system to diagnose and manage HABs in the upper Ohio River basin. The focus of this project is to determine characteristics related to distribution, duration, and intensity of HABs and develop a classification system to predict and prevent HABs. The system provides a framework that can be used by managers as a standard part of watershed management, restoration, and risk assessment efforts.

These grants were awarded under the Freshwater Harmful Algal Blooms RFA. ORD is currently working with OPA for outreach and announcement opportunities.

Grantee Publication

Emissions of air pollutants that contain or are precursors of fine particulate matter less than 2.5 micrometers in diameter (PM_{2.5}) have declined over the course of several decades, following the implementation of local, state, and federal air quality policies. However, estimating the corresponding change in population exposure and PM_{2.5}-attributable risk of death prior to the year 2000 is made difficult by the lack of PM_{2.5} monitoring data. In a publication from STAR grantees at the University of Washington, a researcher at Seoul National University and an EPA staff scientist in the Office of Air Quality Protection and Standards (OAQPS), the researchers used a new technique to estimate historical PM_{2.5} concentrations and estimated the effects of changes in PM_{2.5} population exposures on mortality in adults 30 years of age and older, and on life expectancy at birth, in the contiguous United States during the period 1980–2010. The investigators estimated annual mean county-level PM_{2.5} concentrations in 1980, 1990, 2000, and 2010. County-level death rates and national life tables for each year were obtained from the U.S. Census and Centers for Disease Control and Prevention. The researchers used concentration–response coefficients from previous studies to estimate changes in the numbers of deaths and in life years and life expectancy at birth, attributable to changes in PM_{2.5}. The results show that between 1980 and 2010, population-weighted PM_{2.5} exposures fell by about half, and the estimated number of excess deaths declined by about a third. The States of California, Virginia, New Jersey, and Georgia had some of the largest estimated reductions in PM_{2.5}-attributable deaths. The researchers estimate that if exposures had been held constant at 1980 levels, people born in 2050 would experience an ~1-y increase in life expectancy at birth, and that there would be a cumulative gain of 4.4 million life years among adults 30 years of age and older. The investigators conclude by suggesting that declines in PM_{2.5} exposures between 1980 and 2010 have benefitted public health.

Office of Water

OW Weekly December 7, 2017

Hot Issues

Missouri Nutrient Criteria Rulemaking: As early as today, EPA will provide a revised proposal for Missouri numeric nutrient criteria (NNC) for lakes to OMB for consideration. EPA is under a consent decree to sign the proposal by December 15.

Waters of the U.S.: As early as today, the agencies anticipate responding to NRDC and sportsmen and conservation organizations, denying requests to extend the comment period for the proposal to add an applicability date to the 2015 Rule (step 0 rule). The proposal published in the FR on November 22 for a 21-day comment period and will close next week on December 13.

Public Notification for CSOs in the Great Lakes: As early as next week, OW will finalize a rulemaking to enhance public notification requirements for CSO discharges into the Great Lakes Basin as required by Section 425 of the 2016 Appropriations Bill. The Act provides that the notice and publication requirements shall be implemented by December 18.

Report to Congress-National Water Quality Index: Next week, EPA anticipates releasing the National Water Quality Inventory Report to Congress. The report provides water quality information that states, tribes, and others can use to inform water resource protection and restoration priorities. The report will be available at: <https://www.epa.gov/waterdata/national-water-quality-inventory-report-congress>

Upcoming Public Events

Roundtable Speaker Series at Clark Hill PLC: Next week, Lee will attend a stewardship roundtable at the Law Office of Clark Hill where special guest, Ed Russo, longtime environmental consultant to Donald Trump's businesses and author of "Donald J. Trump: An Environmental Hero," will join the Roundtable to discuss what it means to be a "practical environmentalist."

Last Week Highlights

WIFIA Credit Council: This week, OW approved five initial members of the WIFIA Credit Council. The functions of the Credit Council are to review the creditworthiness determination of applications for WIFIA credit assistance based on program level underwriting and risk analysis; to make recommendations to the WIFIA Director and Assistant Administrator regarding project approval prior to recommendations to the Administrator; to provide credit expertise in decision-making on other matters referred to the Credit Council; and to provide feedback to senior agency officials on the WIFIA program's risk exposure, credit policies, and other relevant issues directly related to federal credit as it applies within the agency and regarding federal credit within the federal government as whole. The WIFIA Credit Council members come from the Departments of Energy, Treasury, Transportation and the USDA and all meet the parameters established in the WIFIA Credit Council Charter.